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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kenneth R. De Rosa
Wolf, Block, Schorr & Solis-Cohen LLP
22 Floor
1650 Arch Street
Philadelphia, PA 19103-2097

EXAMINER

KENNEDY, LESA M

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,148

Applicant(s)

REZVANI ET AL.

Examiner

Lesa Kennedy

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. This action is responsive to the application filed on January 31, 2001. Claims 1-34 are pending examination. Claims 1-34 are directed towards a method and system for adaptively setting the data refresh interval of a data using entity.

Drawings

2. The drawings are objected to under 37 CFR 1.84(o) because Figs. 1, 3 and 4 contain items that do not have descriptive legends. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. New corrected drawings are required under 37 CFR 1.83(p)(5) in this application because the numbers of several items in figures do not agree with the numbers given in the specification (see e.g., Fig. 4 and 'database server 48' on page 21, line 17). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

4. The abstract of the disclosure is objected to because it does not describe the claimed subject matter of the dependent claims. Correction is required. See MPEP § 608.01(b).
5. The disclosure is objected to because the specification contains several item numbers that do not agree with the item numbers shown in the figures (see e.g. 'pager 42' on page 11, line 18, and Fig. 1).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 16 and 17 recite the limitation "at least one display page" in reference to claims 8 and 9, respectively. There is insufficient antecedent basis for this limitation in the claims. For purposes of further reviewing these claims, it will be assumed that the applicant intended for claims 16 and 17 to be dependent on claims 6 and 7, respectively.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-12, 15-17, 18-29 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Axis ("Network Camera Developments Enable Live Web Imaging", AXIS 2100 White Paper, Nov. 12, 1999, pp. 1-12) in view of Bates et al. (U.S. Patent No. 5,907,681).

As to claim 1, Axis teaches a method comprising:

providing a data source [pg. 8, AXIS 2100 Network Camera Theory of Operation section, par. 1; network camera as data source];

providing a data using means for utilizing data from the data source [pg. 8, AXIS 2100 Network Camera Theory of Operation section, par. 1; Axis discloses that an image (data) is transmitted to a browser (data using means) from the camera (data source)]; and

providing a communication link between the data source and the data using means [pg. 8, AXIS 2100 Network Camera Theory of Operation section, par. 1; Axis discloses that the image is transmitted over a network (communication link)].

Axis fails to teach the limitation of the data using means having an initial refresh interval; monitoring at least one criteria related to the refresh interval; generating an updated data refresh interval based at least in part on the monitored criteria; and changing the initial data refresh interval of the data using means to the updated data refresh interval.

However, Bates teaches these limitations. Bates teaches of:

the data using means having an initial refresh interval [col. 3, lines 10-25; Bates discloses an internet browser (data using means) with an initial refresh rate];

monitoring at least one criteria related to the refresh interval [col. 3, line 51 – col. 4, line 15; Bates discloses the criteria used for adjusting the refresh rate for the web page];

generating an updated data refresh interval based at least in part on the monitored criteria [col. 3, lines 51-54]; and

changing the initial data refresh interval of the data using means to the updated data refresh interval [col. 3, lines 51-54].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Axis in view of Bates so as to automatically and adaptively refresh web page data. One would be motivated to do so to provide efficient updating of a web page.

As to claim 2, the combination of Axis in view of Bates teaches the method of claim 1, wherein the communication link comprises a network [pg. 8, AXIS 2100 Network Camera Theory of Operation section, par. 1; Axis discloses communications over a network].

As to claim 3, the combination of Axis in view of Bates teaches the method of claim 2, wherein the network is a global computer network [pg. 9-10, Instant Control From Remote Locations section, par. 3; Axis discloses communications over the Internet].

As to claim 4, the combination of Axis in view of Bates teaches the method of claim 1, wherein the data using means is a web browser [pg. 8, AXIS 2100 Network Camera Theory of Operation section, par. 1; web browser].

As to claim 5, the combination of Axis in view of Bates teaches the method of claim 1, further comprising providing a database for storing the data received from the data source [pg. 9-10, Instant Control From Remote Locations section, par. 3-4; Axis discloses storing a captured image from the camera (data source) and alerting a user that the image is available for viewing].

As to claim 6, the combination of Axis in view of Bates teaches the method of claim 5, further comprising providing a means for generating at least one display page based at least in part on the data stored in the database and which is viewable on the data using means [pg. 9-10, Instant Control From Remote Locations section, par. 3-4; Axis discloses that a user views a web page (display page) with the stored image through the web browser (data using means)].

As to claim 7, the combination of Axis in view of Bates teaches the method of claim 1, further comprising providing a means for generating at least one display page based at least in part on the data from the data source and which is viewable on the data using entity [pg. 9-10, Instant Control From Remote Locations section, par. 3-4; Axis discloses that images can be viewed directly from the camera (data source) through the web browser (data using entity)].

As to claim 8, the combination of Axis in view of Bates teaches the method of claim 1, wherein the at least one criteria is selected from the group comprising the likelihood that the data using entity will receive a large amount of data, the available bandwidth of the communications network, the closeness of the client to the part of the web site containing a source of data, the ability of the server to process data, client usage patterns, database usage patterns, and the nature of the data [col. 4, lines 31-33; Bates discloses monitoring pages used only on the weekends (client usage pattern)].

As to claim 9, the combination of Axis in view of Bates teaches the method of claim 1, wherein the monitored criteria is used in an adaptive algorithm to determine the updated refresh interval [col. 3, lines 51-54; Bates discloses applying a heuristic approach (adaptive algorithm) to the history data (monitored criteria) so as to determine the refresh rate].

As to claim 10, the combination of Axis in view of Bates teaches the method of claim 1, wherein the updated refresh interval is transmitted to the data using means [col. 4, lines 59-63; Bates discloses that a scan of an automatic refresh list or page data is performed so as to provide the browser (data using means) with the updated refresh interval].

As to claim 11, the combination of Axis in view of Bates teaches the method of claim 1, wherein the data using means uses the updated refresh interval to determine when to refresh the data using means [col. 3, lines 13-15, 51-54; Bates discloses that the browser (data using means) uses the refresh rate to provide automatic refresh functions].

As to claim 12, the combination of Axis in view of Bates teaches the method of claim 1, wherein the data using means requests data from the data source [pg. 8, AXIS 2100 Network Camera Theory of Operation section, par. 1; Axis discloses that the web browser (data using means) requests data from the camera (data source)].

As to claim 15, the combination of Axis in view of Bates teaches the method of claim 1, wherein the data using means is a visual display, an audible display, or a tactile display [pg. 8, AXIS 2100 Network Camera Theory of Operation section, par. 1; Axis discloses viewing images (visual display)].

As to claim 16, the combination of Axis in view of Bates teaches the method of claim 6, wherein the at least one display page is pushed to the data using means [pg. 8, AXIS 2100 Network Camera Theory of Operation section, par. 1; Axis discloses displaying a web page (display page) with the image from the camera on the web browser (data using means)].

As to claim 17, the combination of Axis in view of Bates teaches the method of claim 7, wherein the at least one display page is pushed to the data using means [pg. 8, AXIS 2100

Network Camera Theory of Operation section, par. 1; Axis discloses displaying a web page (display page) with the image from the camera on the web browser (data using means)].

Claims 18-29 and 32-33 represent system claims that correspond to method claims 1-12 and 15-17, respectively. They do not teach or define any new limitations above claims 1-12 and 15-17, and therefore are rejected for similar reasons.

Claims 13-14 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Axis in view of Bates et al., and further in view of Nichols et al. (U.S. Patent No. 6,138,150).

As to claim 13, the combination of Axis in view of Bates teaches the invention substantially as claimed (see rejection of claim 1 above).

The combination fails to teach the limitation wherein, a data server generates and transmits the updated refresh interval in response to the request for data by the data using means.

However, Nichols teaches of a data server generates and transmits the updated refresh interval in response to the request for data by the data using means [col. 6, lines 11-23; Nichols discloses that a secure server transmits the refresh rate to the browser (data using means)].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Axis in view of Bates, in view of Nichols so that a separate secure server provides the refresh rate. One would be motivated to do so to store individualized browser refresh rates, so that different users may use the same browser.

As to claim 14, the combination of Axis in view of Bates, in view of Nichols teaches the method of claim 13, wherein a subsequent request for data by the data using means is based at least in part on the updated refresh interval [Nichols, col. 6, lines 21-23].

Claims 30-31 represent system claims that correspond to method claims 13-14, respectively. They do not teach or define any new limitations above claims 13-14, and therefore are rejected for similar reasons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lesa Kennedy whose telephone number is (703) 305-8865. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Andrew Caldwell
Andrew Caldwell